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July 31, 2019

VIA CM/ECF

The Honorable Paul A. Crotty, U.S.D.J.
United States District Court, Southern District of New York
Thurgood Marshall United States Courthouse
500 Pearl Street
Chambers 1350
New York, New York 10007

8/1/2019 15
The motion is stayed until 15 days
after the pending motion to Dismiss is determined

No order

Re: Acharya, et al. v. 7-Eleven, Inc. & Jimmy K. Solanki,
Civil Action No. 18-cv-08010 (PAC)

Paul Motta
0105

Dear Judge Crotty:

We represent defendant 7-Eleven, Inc. ("7-Eleven") in the above-referenced action. We write jointly with counsel for Plaintiff Devendra Raj Acharya ("Plaintiff") and Defendant Jimmy K. Solanki ("Solanki," together with Plaintiff and 7-Eleven, the "Parties") to respectfully request a stay of all discovery pending a decision on 7-Eleven's Motion to Dismiss ("Motion to Dismiss"). (ECF No. 21.) The current deadline for completing fact discovery is August 28, 2019. (ECF No. 33.)

On February 7, 2019, the Court held a Pre-Motion Conference, during which Your Honor: (i) granted 7-Eleven's request to move to dismiss Plaintiff's Amended Complaint (based on Plaintiff's joint employer claims); and (ii) ordered Plaintiff and Solanki to commence discovery without 7-Eleven. Accordingly, 7-Eleven filed its Motion to Dismiss on April 11, 2019, and Plaintiff and Solanki thereafter commenced discovery consistent with the Court's Order, and are about to proceed with depositions.

In light of 7-Eleven's pending Motion to Dismiss, and in order to avoid expenditure of time, costs and resources in connection with depositions, the parties respectfully request that the Court stay discovery until such time as the Court resolves the Motion to Dismiss. Staying the depositions will conserve judicial and party resources by ensuring that the appropriate Parties participate in depositions at the appropriate time. Without a stay, 7-Eleven will have to choose between (a) participating in depositions in an action from which it may soon be dismissed; or (b) not participating, but later needing to call the same witnesses again for examination and/or cross-examination. We respectfully submit that both outcomes would be needlessly inefficient, costly and duplicative.



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We thank Your Honor for the Court's attention to this matter. Should the Court have any questions, the parties are available at Your Honor's convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joseph A. Piesco, Jr.', written over a printed name.

cc: all counsel of record (via CM/ECF)